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Filing date: **06/01/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181755
Party	Plaintiff Franciscan Vineyards
Correspondence Address	Stephen L. Baker Baker & Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com,k.hnasko@br-tmlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Linda Kurth
Filer's e-mail	officeactions@br-tmlaw.com,k.hnasko@br-tmlaw.com
Signature	/Linda Kurth/
Date	06/01/2009
Attachments	3rd notice of reliance.pdf (10 pages)(3124540 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRANCISCAN VINEYARDS, INC.,

Opposer,

v.

BEAUXKAT ENTERPRISES, LLC

Applicant.

Opposition No. 91181755

Mark: BLACK RAVEN BREWING
COMPANY

Serial No. 77223446

Filed: January 8, 2008

OPPOSER'S THIRD NOTICE OF RELIANCE
PURSUANT TO 37 CFR §2.122(e)

Please take notice that Opposer, Franciscan Vineyards, Inc. pursuant to 37 CFR §2.122(e) is hereby noticing its reliance on certain printed publications, namely excerpts from magazines that are available to the general public in libraries and which are in general circulation among members of the public which is relevant to the issues in this proceeding.

The excerpts are attached hereto as Exhibit A and Exhibit B. The following identifies the date of publication, the name of the publication, and the publication page number for each excerpt:

1. An advertisement in the November 15, 2008 edition of the Wine Spectator Magazine and includes the cover and advertisement on page 133.
2. An advertisement and article in the May 2009 edition of the Food & Wine Magazine, Wine Country Travel Section, and includes the cover, article on page 139 titled

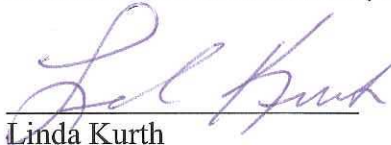
Feeling Bold? These Non-Wimpy Wines Are For You, and advertisement on page 140.

The excerpts show how the Opposer's wines are advertised in that magazine and shows an unsolicited recent article written about Opposer's goods. This publication is relevant to the issue of likelihood of confusion, including but not limited to the following factors: the similarity of the marks, the similarity of and/or the relatedness and complementary nature of the goods sold by the parties under their respective marks, the similarity of channels of trade through which goods of the same nature are generally and customarily marketed, advertised, offered for sale and sold, and the issue of the strength of Opposer's Marks.

Dated: June 1, 2009

BAKER AND RANNELLS, PA

By:



Linda Kurth

Attorney for Opposer
626 North Thompson Street
Raritan, New Jersey 08869
(908) 722-5640

EXHIBIT A

WOLFGANG PUCK
THE INSIDE STORY

Wine Spectator

www.winespectator.com

THE CABERNET REPORT

SAN FRANCISCO
GETAWAY

ARGENTINA'S EXCITING
NEW WINE REGION

PHILADELPHIA'S
HOT CHEF

LUXURY AT
A PRICE:
WINERY TASTING
ROOMS RAISE
THE BAR



MORE
THAN
750
WINES
RATED

NOV 15, 2008
\$5.95 US

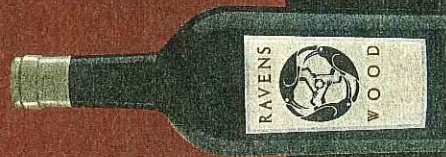


0 70992 35957 8

IF YOUR FAVORITE COLOR
IS BEIGE YOU SHOULD PROBABLY
DRINK SOMETHING ELSE.



Never blah, always bold. The complex and spirited wines
of Ravenswood have never been accused of being subtle.
And that's just the way we like it.



 **RAVENSWOOD**
NO WIMPY WINES

EXHIBIT B

SPECIAL TRAVEL ISSUE: THE INSIDER'S GUIDE

FOOD & WINE

MAY 2009

best recipes
from the world's *best*
cooking teachers

+ *the go list*
rising-star chefs,
value restaurants,
best food cities
& more

PAGE 75

*Grilled steak
tacos with
avocado salsa—
ideal with a
spicy Zinfandel*
RECIPE, P.46



easy lessons from a napa wine school

wine COUNTRY TRAVEL



Feeling Bold? These Non-Wimpy Wines Are for You

In 1976, winemaker Joel Peterson harvested eight acres of Sonoma County Zinfandel grapes, and Ravenswood Winery was born. In the three decades since, Joel—affectionately known as the Godfather of Zin—has shepherded the Sonoma-based winery from a one-man garage operation to the number one producer of Zinfandel in the world. Today, Joel remains true to his founding vision, producing essential California wines in a classic, bold style.

A visit to Sonoma isn't complete without a visit to Ravenswood Winery, which is a quick walk, drive or bike ride from Sonoma's downtown square. No reservations are required to enjoy Ravenswood's "non-wimpy wines"—in fact, you can leave your reservations at home.

Open your day with a morning tour of the estate vineyard. Stroll through the property while learning about their viticulture practices and non-wimpy wine-making process, then sneak into the barrel room to steal some sips. The tour ends in the tasting room with samplings from current vintages. You'll find that Ravenswood offers three unique tiers of wine within its portfolio, from approachable everyday wines to limited-production, single-vineyard bottlings—something suitable for every palate and occasion.

You can also stop in for an afternoon wine and cheese tour in their estate Zinfandel and Merlot vineyards, or reserve a spot in one of the Blending Seminars, which allow you to experience the joy of the winemaking process. You'll create and bottle your very own Zinfandel blend to take home and impress your friends.

If you can't make it to Sonoma, they'll send Ravenswood to you: Join Club Raven for access to exclusive small-lot wines, invitations to members-only events and special discounted prices.

For more information on visiting Ravenswood Winery or joining Club Raven, call 888.669.4679 or visit ravenswood-wine.com.



RAVENS



WOOD

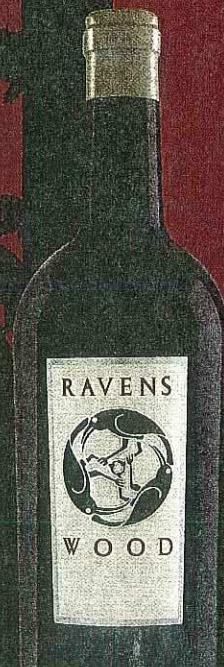
FORGET LAST NIGHT'S
WINE. YOU PROBABLY
ALREADY DID.

Forgettable wines are so yesterday. For something a little bolder, pour
yourself some Ravenswood. Our wines are complex, vivid and expressive.

And above all, memorable.



RAVENSWOOD
NO WIMPY WINES



CERTIFICATE OF SERVICE

I hereby certify a copy of OPPOSER'S THIRD NOTICE OF RELIANCE in re: Franciscan Vineyards, Inc. v. Beauxkat Enterprises, LLC., Opp. No. 91181755 was served on counsel for Applicant, this 1st day of June, 2009 by sending same via First Class Mail, postage prepaid, to:

Justin D. Park
Romero Park & Wiggins P.S.
155-108th Avenue NE, Suite 202
Bellevue, WA 98004



Linda Kurth